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TWELVE PAGES

WEDNESDAY, JUNE 2, 1899.

THE OBSTINATE JURYMAN.

Recurring again to Judge Gaynor and Anderson, the obstinate jurymen, it appears from the New York Herald that the Judge really assumed the power to "punish" Anderson for not concurring with the other jurors—and this the Herald actually approves! The bench, under the old common-law, did have or take the mastery and direction of the jury, and even to-day, for any manifest impropriety, neglect of duty, or other plain violation of law, the juror is amenable to the Judge, and should be dealt with sternly. Yet, while admitting that the functions of a juror are of a character that not only demand his best service and fidelity, but the highest respect from the Judge, the public and all departments of government. That was true of the juror when he was only an English institution; but as an American safeguard of life, liberty, property and all the interests of free manhood, he is invested with a representative character of the highest sanctity, as a member of a body which in a particular sense stands for the people.

In their sphere, as guardians and judges, they are sovereign in law and fact, and it is in the plenary power of disagreement, without let or hindrance, fear or favor, that the importance of a jury chiefly consists. It is a fatal misconception of the judiciary that a juror or jury is only a servant of the court, whose business is to find a verdict, and that, too, in accordance with the views of anybody else whatever. The jury is stripped of its power and defeated in its purpose when anyone, in or out of court, official or unofficial, undertakes to control; and when Judge Gaynor sought to compel Anderson to adopt his opinion, or that of the other jurors, in any case, it was an outrage, and a very gross and alarming one, when it proceeded not only to reprimand but avowedly to punish Anderson for exercising the independent judgment that gives trial by jury its glory and inestimable value.

There may have been unrelated circumstances attending Anderson's dissent from his associates and the judge that justified some reproof from the bench; but in the disagreement itself there is no justification or palliation for peremptory interference to coerce, or intimidate a jurymen. The jury, in fact, is the equal of the judge in determining a cause, and every juror shows in this equality. The spirit of our institutions, indeed, make the jury supreme and exclusive in its highest functions, and no man may intervene save to aid and assist a juror, at his request, as to a matter of evidence that has escaped him, or as to the law and its application to the facts.

These are perilous days to all the best institutions among men, for common right and justice; and such men as Judge Gaynor and their arrogant tone and attitude in their official capacity, are especially dangerous; for this Judge not only browbeats a single jurymen like Anderson, but it is reported of him that he recently took extraordinary measures to force an entire jury, as if it were not the character of a verdict that is important, but the verdict itself, as a disposition of the case. It is said that he locked the twelve men up for a day after day, without food, the tendency of such a policy being not only to discredit and degrade the jury, but to depreciate the force of a legal oath, minimize the respect due truth and bring the whole

course of so-called justice into contempt.

As we have said heretofore, the malefic effect and significance of this judicial subjection and disrespect of jurors is a manifestation of the prevailing and still developing imperialism that threatens our liberties with complete overthrow, through the very means established for their vindication and maintenance. If the judge condemn law and justice, we are already in the rapids of a rushing Niagara of human wreck and ruin.

OUR TWO ARMS.

THE VIRGINIAN-PILOT, representing American principle and policy and the opinions and wishes of the American people, wants no standing army, opposes any such army, and is sure that no army is needed in the United States, except to destroy the liberties of the States and people. Our navy and militia have sufficed since the days of George Washington and Paul Jones, and in Cuba, Porto Rico and Luzon they have vindicated American power and glory in a resplendent way that leaves nothing to be desired, except an administration worthy of such representatives on land and sea.

The navy and militia offer no menace to government, the people, nor their institutions. Our ships and sailors are our national defenders; our volunteers protect our States and citizens; and our navy, militia and people together constitute the invincible bulwarks of our independence and our freedom. The moment a State has a regular army billeted or garrisoned in it, it ceases to be, and becomes a Military Department. What constitutes a State?

"Not starr'd and spangled courts, Where low-brow'd baseness waits perfume to pride."

Men, high-minded men, With powers as far above dull brutes ended.

In forest, brake, or den, As beasts excel cold rocks and brambles rude;

Men who their duties know, But know their rights, and, knowing, dare maintain.

Prevent the long-alm'd blow, And crush the tyrant while they rend the chain;

These constitute a State, And sovereign Law, that State's collected will.

O'er thrones and globes elate, Sit empress, crowning good, repressing ill.

The people is the militia in peace; the militia is the people in war; and our glorious navy, with its Deweys, Schleys, and other heroes, repel our foes in war, welcome our friends in peace, and always

"Winnow fragrance 'round a smiling land!"

THE MONEY-TRUST AND G. CLEVELAND.

It is surely bad enough that the Democratic party had to endure so false a nominal Democrat as Grover Cleveland for eight doleful years of mean pandering to the money-power, the trusts and its other allies, without now having acts and policies due to Cleveland and his disguised Republican administration put upon it and quoted against it. Even the trusts, to which the Democratic party and its principles have always been deadly foes, now cite Cleveland and his doings as implicating the Democrats in the promotion of the domination of trusts, when nothing is better known than his flagrant apostasy, even from the platforms upon which he was elected.

Even Cleveland was defeated on the only platform upon which he ran that omitted to re-affirm the Democratic fidelity to constitutional silver—the platform of 1888, into which was introduced the stealthy head of the Money Trust.

LITERARY NOTE.

From Nushbaum's we have a copy of "The Dreamers: a Club," by John Kendrick Bangs, the well-known humorist. The Harpers publish this volume, which is handsomely printed, and neatly bound in cloth, brown, gold and black, with numerous illustrations by Edward Penfield.

"The Dreamers" is just the sort of book for a lazy and vacuous person on a hot summer day, being a collection of ridiculous sketches and stories calculated to make one laugh gently, and not too laboriously. It has a vein of bizarre pleasantry that is "catching," and for light-reading "The Dreamers" will gently soothe, if they do not hilariously divert one, it makes no pretensions, however, beyond "fun," and in these dull days it is a meritorious effort in that way. Price, \$1.25.

The Review of Reviews is able and interesting, as usual, and abounds in information on current topics, besides his reviews.

The condition of terror caused in the far Southern States by the outrages perpetrated on white women by negro miscreants, is leading to the general arming of women, the organizing of rural police, committees of safety, &c.

These Philippines seem to think that they have as good a right in Luzon and the other island as Otis and his men, although the latter have come so far. The folly and wickedness of men are boundless. There are Aguinaldo and other fellows acting just as if they were at home, when everybody knows we have most men and money and have actually paid Spain \$20,000,000. Aguinaldo will sell us Spain, or France, or Germany, or England, for half the money and throw in a bigger war. The Philippines seem to have the oldest, strongest and best title to Luzon, anyhow.

A Paris mob is difficult to distinguish from a revolutionary movement until it is all over; but they are as easy on trigger as a West Virginia family fuss, or a Kentucky clan feud. President Loubet is still there; but his cabinet is gone. France has a full allowance of embezzles and revolutions; and it is difficult to conceive that the French will ever submit to peaceful and orderly government. They have in their composition too much of the Opera-Bouffe!

Some people who "knew it all" are now revising, or explaining and amending, their confident views about the Philippines and Philippine matters. Aguinaldo is not brushed aside so easily, either as a soldier or a statesman; and the Philippines are not yet so tired of fighting for their liberties and their lands as to come in, all together, and surrender unconditionally. Better not be too ready to withdraw the Peace Commissioner and turn deaf ears to terms. In the forum of brute force, to which we so readily appeal, the savages may be able to furnish as many and as great brutes as we can. And even Republicans may discover that reason and justice are worthy of some respect, even if on the side of Malays.

Is Otis besieged in Manila? The question is apt and pertinent; for as to-day we find the best and largest army of Philippines thundering at the very gates of Manila, to-morrow we may hear that Otis is taking to his ships. We have been fooled to the top of our bent by the censored news from Manila; and now that a little truth is dribbling through the lines, we begin to feel as if we had been under the hallucinations of hashish. We have to pinch ourselves to realize the fact that the great conquering army of the United States, after all these months of marching, victory and grandiloquent bulletins, is still fighting for foothold at Manila, with the Philippines in possession outside, and not all demoralized, disheartened, or ready for "unconditional surrender." A little lower tone on our part would make our judicious citizens grieve less, though it might not split the ears of our groundlings and promote the organization of trusts.

The release of Lt.-Col. Picquart, at Paris—a strong friend of Dreyfus—is another evidence that right and truth will surely rise, if they can gain an opportunity. That is a happy assurance, and it is very gratifying to men who are laboring for right and truth, in their own persons, or others, or in events, or things, or ideas. But, alas, how much truth and right fail of opportunity, despite every possible effort! But whether truth and right rise, or not, or if wrong triumph, secure from exposure and overthrow, one has not only the approval of a good conscience under wrong, but a just sense of indignation and wrath to whose expression he would gladly give his life, if he thought he could adequately express his feelings, or fitly characterize the wrong and its perpetrators.

The feebleness and futility of speech are only known fully to the victims of temporal injustice; and it is these victims who know that a future life and a just God are absolutely necessary, and this life alone an utter impossibility.

There is a current mistake about Mr. Bryan's "campaign-leader," and also about his "personal representative." The mistake is that Mr. Bryan has created these two positions, and appointed gentlemen to fill them; but on a little inquiry, it is at once discovered that there are no such places; that nobody fills, or is to fill, them, and that Mr. Bryan knows nothing whatever about them.

We understand that these places have been created by a joint committee of Republicans and Indiana-politians, guided by the Richmond Times, and that neither Mr. Altgeld nor Mr. Bryan have been at all consulted. The campaign of 1896 has not yet begun; and as Mr. Bryan had no "campaign-leader" in 1896, he has hardly thought of one yet in 1899, especially as he has no need for any. As to his "personal representative," any old lying Indianapolisite or Hannanite will do; and the position is filled continuously, though successively, by any played out dead beat of the press, without regard to truth or party. Mr. Bryan, meanwhile, is the Democratic leader himself for 1899; and nobody will forget it.

OPINIONS OF THE PRESS.

HOT TEMPER VS. MEANNESS. The two dispositions are finely sketched in "Othello," and Shakespeare has rightly taught us to pity the Moor and loath Iago. The tragedy carries the expression of the different dispositions far beyond our ordinary experiences, but, nevertheless, remains instructive. The man of generous disposition, even though possessed of infirmities of temper, is immeasurably superior to the thin-blooded, calculating, suave and apparently inoffensive man who avoids an open conflict, cringes humbly before an open adversary, and yet bears malice, seeking his revenge after the manner of an assassin in the dark. Nor should we neglect to apply abstract ideas upon this subject to our own conduct for the sake of reflex influence that conduct has upon character. We should try to keep our tempers under good control, but not to suppress just indignation. If wronged, we should resent it, but openly, in manly fashion and have done with the grievance and its resulting animosities. We should be especially cautious against harboring malice, banishing it from our minds as an unworthy thing. It is better even to suffer wrong than to seek revenge, especially in remote ways. If we must fight, it is better to do so openly than by underhand means. The bearing of malice is a sign of cowardice; it begets hypocrisy. Whatever else we may do, we should overcome any disposition to malice, preferring to be quarrelsome and ill-tempered on occasion rather than to maintain a rancorous disposition under a smiling exterior.—Baltimore Sun.

The articles of to-day closes the spring courses of the Virginian-Pilot's Home Study Circle. Publication of examination questions will begin in to-morrow's issue.

VIRGINIAN-PILOT'S HOME STUDY CIRCLE

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DIRECTED BY PROF. SEYMOUR EATON

SUBJECTS OF STUDY IN THE ORDER IN WHICH THEY WILL BE PUBLISHED.

EVERY SUNDAY—
History—Popular Studies in European History.
EVERY TUESDAY—
Geography—The World's Great Commercial Products.
EVERY WEDNESDAY—
Governments of the World of To-day.
EVERY THURSDAY AND FRIDAY—
Literature—Popular Studies in Literature.
EVERY SATURDAY—
Art—The World's Great Artists.

These courses will continue until June 26th. Examinations conducted by mail, will be held at their close as a basis for the granting of Certificates.

GOVERNMENTS OF THE WORLD OF TO-DAY.

XII.—AUSTRIA-HUNGARY. (Concluded.)

BY FREDERIC W. SPIERS, PH. D.

THE DUAL GOVERNMENT.

Having examined the separate governments of the component parts of the dual monarchy, we are now prepared to study the joint government of Austria-Hungary. This government rests upon a compact enacted by the Austrian and Hungarian parliaments in 1867. The original compact has been supplemented by several pairs of statutes since enacted by the two parliaments. This unusual form of constitution is subject to amendment at any time by the joint action of the Austrian and Hungarian parliaments, approved by the emperor.

The chief executive of the dual monarchy is an hereditary emperor who is crowned emperor of Austria at Vienna and apostolic king of Hungary at Budapest. His imperial and royal majesty

regation with a compact majority and a definite programme prevails over the desecration which is rent by internal dissensions. By the terms of a fundamental law the two countries contribute to the joint revenue in the proportion of 20 per cent from Hungary and 70 per cent from Austria. But the preponderance of Hungarian influence is so apparent that it is a common saying that Hungary secures 70 per cent of the power for 30 per cent of the cost.

The legislative powers of the delegations are small. Their main duty consists in making appropriations and overseeing the administration of the common laws. Even in such matters as the provision of recruits for the army, the authorization of loans, in tariff and money regulations the separate parliaments of Austria and Hungary legislate by concurrent acts, and the delegations are left with little to do save to supervise the execution of the laws thus provided.

THE JOINT MINISTRY.

There are three joint ministers—for



EMPEROR FRANCIS JOSEPH.

thus holds two distinct crowns, but these crowns must always be bestowed on the same individual.

THE DELEGATIONS.

The joint deliberative body—it can hardly be called a legislature—is a unique political device. It consists of a delegation of sixty members from each of the two parts of the dual monarchy. The members of the delegations are chosen by the respective parliaments of the countries, twenty by the upper house and forty by the lower house of each parliament. The delegations are elected annually and must be called into session by the emperor at least once a year. They meet alternately in Vienna and in Budapest. A peculiarity of the plan is that the representatives from the two countries do not form a single parliament. The delegations meet separately, and all measures are presented simultaneously to both bodies. Only under one condition are joint sessions held. If the delegations cannot agree upon an important measure after three exchanges of communications on the subject, a joint session is held and a vote taken. No debate is permitted in this common assembly.

EQUALITY OF POWER.

In the composition and procedure of the deliberative bodies extraordinary care is taken to preserve the equality of the two countries. The alternate meetings in the capitals of the two parts of the nation have been noted. When a joint session is held the presidents of the separate delegations preside in turn, the record of proceedings is kept in both German and Magyar, the official languages of the respective delegations, and, furthermore, the number of representatives from each country present at the joint session must be the same. If one delegation appears in session with more members than the other, the larger body is reduced by lot to the size of the smaller.

But while the greatest care is thus taken to give each of the two elements of the dual monarchy equal powers in the common government Hungary is in practice the more influential country. This is due to the fact that the Austrian delegation is always made up of a large number of irreconcilable party elements, while the Hungarian body stands almost solidly for a definite Magyar policy. Naturally the del-

foreign affairs, for war and for finance. The ministers are appointed by the crown, and their administration is subject to the supervision of the delegations. Foreign affairs are entirely within the control of the joint government, except that treaties must be ratified separately by the parliaments of the two countries. Military affairs and finance are not so completely controlled by the joint government. The armies are recruited under separate laws of Austria and Hungary, although they are necessarily managed by the joint ministry and subject to the orders of the emperor as commander in chief. The joint finances are administered under a series of statutes which are adopted for a ten-year period. Thus the financial relations are subject to revision each decade. The main source of income of the dual monarchy is the customs tariff. The rest of the necessary funds for common purposes is provided by direct contribution of the two countries, Austria giving about 70 per cent of the required balance and Hungary 30 per cent.

PECULIAR DIFFICULTIES.

Such is the somewhat complicated organization of the conglomerate empire of Francis Joseph. The governmental system is confused and illogical in arrangement, because it covers a large area occupied by a variety of peoples of widely different race and very different historical development and have no aspirations toward a common nationality. Political necessity has dictated that a mass of heterogeneous peoples shall be brought under a common imperial government and the only practical method of working out the difficult problem thus presented was the method of compromise with established institutions and racial prejudice. RACIAL STRUGGLE IN AUSTRIA. The difficulties encountered in building and maintaining the dual monarchy can be appreciated only after an examination of the extraordinary mixture of races within the broad area of Austria-Hungary. In Austria there are represented Germans, Czechs, Poles, Ruthenians, Slovenians, Italians and four or five minor races. The Germans are most numerous and most influential but they number hardly more than one-third of the total population. The racial antagonism is exceedingly bitter.

Each people in Austria holds strongly to its own language and its peculiar racial customs, and even the small divisions resent fiercely any attempt to unify the nation by establishing a common official language and a common system of local administration. The Czechs of Bohemia insist that the empire shall not interfere with the peculiar institutions of Bohemia and resist stubbornly any invasion of their racial individuality. The compact body of Poles in Galicia likewise guard jealously their language and the institutions of their province, and the smaller racial divisions make great sacrifices to preserve their historical separateness. The confusion of tongues is indicated by the fact that it has been necessary on the occasion of the assembly of the new Austrian parliament to administer the oath of office in eight different languages. A recent writer notes the fact that, although the imperial army necessarily has an official language, German, the different bodies of troops composing it speak eleven different languages and dialects. And this is not an indication of a merely temporary condition which will soon yield to a process of national amalgamation. The various races are not seeking to promote a common nationality. Indeed, they are strenuously resisting the tendency toward amalgamation that arises from the common government. The only tie that binds them is the necessity of presenting a united front to the great powers of Europe who would gladly embrace an opportunity to divide and conquer the various peoples now acknowledging a common allegiance to the royal house of Hapsburg in the person of Francis Joseph.

RACE QUESTION IN HUNGARY.

The racial struggle in Hungary is less intense than that in Austria, for although the population is almost as carried, a single race, the Magyars, so far outnumber any other single element that they are able to control the government quite absolutely. They claim that Hungary is normally a Magyar nation, and by requiring that their language be taught in all the public schools throughout the country and by imposing a knowledge of that language as a qualification for voting the Magyars are gradually achieving a racial nationality in their kingdom. Still these measures are arousing deep discontent on the part of the other races, who feel that they are the subjects of a tyranny that is striking at their dearest interests.

But the difficulties of the dual monarchy are not confined to the struggle between races within the component countries. Yoked with distracted Austria is aggressive Hungary, and to the internal rivalry of races is added the rivalry of Austria as a whole with Hungary as a whole. The scheme of government reserves the separateness of the two monarchies as completely as possible, and there is little evidence of a disposition to draw closer together.

INFLUENCE OF FRANCIS JOSEPH.

The chief guaranty of the continued existence of the dual monarchy for many years past has been the deep and almost universal loyalty to the good emperor, Francis Joseph. For half a century he has safely steered his ship of state in stormy seas through a narrow and tortuous channel. Many times he has apparently escaped a fatal rock by the narrowest possible margin. Many observers of European politics are apprehensive of the most serious results when he is finally called from the helm.

Francis Joseph is a fine type of a faithful ruler, who enjoys the almost absolute confidence of his people as the result of a life of manifest devotion to their best interests. He has spent his best energies freely for his people. His simple, kindly spirit has given him a firm hold on the affections of those who have not always approved his policy and his personal influence has closed many an opening chasm that has threatened to disrupt the monarchy. But he is now an old man, and no successor who possesses his qualities is in sight.

Socialistic agitation, anti-Semitism and religious strife between the Roman and protestant churches in addition to the violent quarrels of race, make the future of the dual monarchy somewhat problematic. Very recently Austria has passed through a parliamentary storm which revealed the possibilities of evil latent in the western portion of the dual monarchy. The old antagonism of races manifested itself in some of the most disgraceful scenes of violence that have ever disgraced parliamentary proceedings. The supreme test of the ability of the warring factions in this great composite empire to maintain the delicate adjustment of governmental relations which now gives Austria-Hungary a place among the great powers of Europe will come when the present sovereign dies. The result no one can foretell.

NOTE—THIS CONCLUDES THE STUDIES OF "GOVERNMENTS OF THE WORLD OF TO-DAY." AN EXAMINATION UPON THIS COURSE AS A BASIS FOR THE GRANTING OF CERTIFICATES WILL BE PUBLISHED ON WEDNESDAY NEXT.

EXAMINATIONS AND CERTIFICATES.

At the end of the term of seventeen weeks, a series of questions on each course, prepared by Professor Seymour Eaton, will be published in the Virginian-Pilot, and blanks containing the questions will be furnished every subscriber making application for same. Two weeks will be allowed after the courses close, for the receipt of examination papers containing answers. These papers will be referred to a board of examiners, who will assist Professor Eaton, and as soon as the work of examination is complete, the result will be reported, and certificates issued to the students entitled to them.

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